

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 JOSE RIVERA COLON, :
 Plaintiff, :
 v. :
 C. GUNSETT; GUTWEIN; R. FLANAGAN; A. :
 COLOMBOS; J. CROFOOT; S. HAZELWOOD; :
 DR. UZO; MANGINO, :
 Defendants. :
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ORDER

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Chambers of Vincent L. Briccetti

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On January 24, 2022, plaintiff, who is proceeding pro se and in forma pauperis, commenced this action by filing a complaint. (Doc. #1).

On August 2, 2022, defendants filed their partial motion to dismiss. (Doc. #22). On August 16, 2022, the Court granted plaintiff's request for an extension to file his opposition to the motion to dismiss, to September 14, 2022. (Doc. #26). On August 22, 2022, the Court sua sponte extended plaintiff's time to file his opposition, to September 28, 2022. (Doc. #27). On September 21, 2022, the Court granted plaintiff's request for another extension of his time to file his opposition, to December 27, 2022. (Doc. #30). The Court stated, "No further extensions will be granted." (*Id.*). On September 29, 2022, the Court received another letter from plaintiff, dated September 24, 2022, requesting an extension of sixty or ninety days to file his opposition. (Doc. #29). On October 4, 2022, the Court denied as moot plaintiff's request, because it appeared he had not received the Court's Order dated September 21, 2022. (Doc. #32).

On December 5, 2022, the Court received plaintiff's opposition to the motion to dismiss. (Doc. #33). Although the first page of plaintiff's opposition is written in English, the rest of the opposition is written in Spanish.

Although this Court's local rules do not prohibit submission of pleadings in a foreign language, "[i]t is clear, to the point of perfect transparency, that federal court proceedings must be conducted in English." United States v. Rivera-Rosario, 300 F.3d 1, 5 (1st Cir. 2002); United States v. Morales-Madera, 352 F.3d 1, 7 (1st Cir. 2003) ("The language of the federal courts is English. Participants, including judges, jurors, and counsel, are entitled to understand the proceedings in English."); see also Tshiamala v. Cohen, 2022 WL 1004676, at *3 (S.D.N.Y. Apr. 4, 2022) (granting leave to amend complaint with exhibits written in French).

Plaintiff therefore must either refile his opposition with an English translation or file an opposition in English. See, e.g., Court of Common Pleas v. Kelly, 417 Fed. App'x 126, 128 (3d Cir. 2011) (holding that where a district court's local rules do not prohibit submission of pleadings in a foreign language, such court should request a translation of foreign language pleadings or grant leave to amend the pleadings before taking final action on the foreign language filing); see also Tshiamala v. Cohen, 2022 WL 1004676, at *3 ("Should Plaintiff choose to amend his

complaint, all attachments must be in English, or if in French, they must be accompanied by an English translation.”).

Accordingly, it is HEREBY ORDERED:

1. **By December 27, 2022, plaintiff must refile his opposition with an English translation or file an opposition in English.**

2. **By January 10, 2023, defendants shall file their reply, if any.**

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppededge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: December 7, 2022
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge